

HON. JAMAL N. WHITEHEAD

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

IN RE VALVE ANTITRUST LITIGATION

Case No. 2:21-cv-00563-JNW

**CONSUMER PLAINTIFFS' MOTION TO
LIFT STAY**

NOTE ON MOTION CALENDAR:
October 25, 2024

On October 25, 2021, this Court stayed Consumer Plaintiffs' claims pending arbitration after holding that the Consumer Plaintiffs agreed to a mandatory arbitration clause in Defendant Valve Corporation's ("Valve") Steam Subscriber Agreement ("SSA"). (Dkt. No. 66. at 2, 5.) Consumer Plaintiffs¹ respectfully move to lift that stay for the reasons more fully explained below.

On September 26, 2024, Valve amended the SSA such that it no longer contains a mandatory arbitration clause or class action waiver. On September 27, 2024, Valve filed a Status Report (Dkt. No. 362) informing this Court of that change and attaching the now-current SSA (*see*

¹ Consumer Plaintiffs include Sean Colvin, Susann Davis, Hope Marchionda, Everett Stephens, and the putative class. Mr. Ryan Lally is not included in this definition in this motion, as he commenced and is currently involved in arbitration proceedings against Valve, consistent with this Court's October 2021 Order.

1 Ex. A. to Dkt. No. 362) (hereinafter “Ex. A.”). Specifically, the changes to Section 10 of the SSA
2 now require all disputes and claims of subscribers outside of the European Union and United
3 Kingdom to be “commenced and maintained exclusively in any state or federal court located in
4 King County, Washington, having subject matter jurisdiction.” SSA at 15. This includes “any
5 dispute or claim that arose before the existence of this or any prior agreement.” *Id.*²

6 In light of these changes, Consumer Plaintiffs respectfully request that this Court lift its
7 October 2021 stay. *See Samson v. United Healthcare Servs. Inc.*, No. 2:19-cv-00175, 2022 U.S.
8 Dist. LEXIS 229000, at *4 (W.D. Wash. Dec. 20, 2022) (“When circumstances have changed such
9 that the court’s reasons for imposing the stay no longer exist or are inappropriate, the court may
10 lift the stay.”).

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² Whether the changes can apply retroactively to any dispute commenced by an individual consumer under the previous terms of the SSA is an open question; in any event, these movants have not commenced an arbitration proceeding and thus agree that their claims should now proceed in this Court.

1 DATED: October 4, 2024.

2 Respectfully submitted,

3 ROMERO PARK PS

4 /s/ H. Troy Romero

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Attorneys for Sean Colvin, Susann Davis, Hope Marchionda, Everett Stephens, and the putative class.

LCR 7 CERTIFICATION

I certify that this memorandum contains 330 words, in compliance with the Local Civil Rules.

DATED: October 4, 2024.

/s/ H. Troy Romero

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF recipients.

DATED: October 4, 2024.

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**UNITED STATES DISTRICT COURT
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AT SEATTLE**

IN RE VALVE ANTITRUST LITIGATION

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**[PROPOSED] ORDER GRANTING
CONSUMER PLAINTIFFS' MOTION TO
LIFT STAY**

NOTE ON MOTION CALENDAR:
October 25, 2024

Now before this Court is Consumer Plaintiffs' Motion to Lift Stay submitted by counsel for Sean Colvin, Susann Davis, Hope Marchionda, Everett Stephens, individually and on behalf of all others similarly situated.

The Court concludes that the stay shall be lifted because the reason for imposing the stay (the mandatory arbitration clause) no longer exists.

IT IS SO ORDERED.

Dated this _____ day of _____, 2024.

Hon. Jamal N. Whitehead
UNITED STATES DISTRICT JUDGE

1 Presented by:

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